



APR 14 2006 PCT/PTO 14 APR 2006 PCT

Attorney Docket No. UCIVN-020US

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of: Koehler, Ralf et al. )  
U.S. App. No.: 10/533,060 )  
Int. App. No.: PCT/US03/34837 )  
Int. Filing Date: 10/30/2003 )  
For: Compounds, Methods and Devices )  
for Inhibiting Neoproliferative )  
Changes in Blood Vessel Walls )

Art Unit: Unassigned

Examiner: Unassigned

**CERTIFICATE OF MAILING**

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on April 10, 2006.

By:

Nancy V. McElrath

**Response to Notification of Defective Response**  
**Transmittal Letter**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

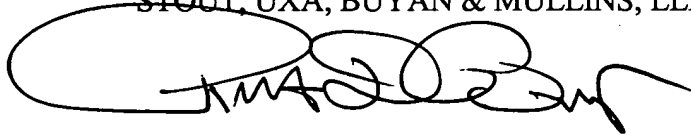
In response to the Notification of Defective Response in the United States Designated/Elected Office dated March 10, 2006, enclosed are the following:

- ☒ Copy of the Notification of Defective Response in the United States Designated/Elected Office dated March 10, 2006 (2 pgs.);
- ☒ Request to Delete Inventor (2 pgs.);
- ☒ Amendment in Response to Notice under 37 CFR §§ 1.821-825 (5 pgs.);
- ☒ Sequence Listing in computer readable form (CRF) (1 diskette);
- ☒ Sequence Listing paper copy (6 pgs.);

- ☒ Statement to Support Filing and Submission in Accordance with 37 C.F.R. §§ 1.821-1.825 (1 pg.);
- ☒ Applicant hereby claims small entity status.
- ☒ The Commissioner is hereby authorized to charge any underpayment and credit any overpayment of the filing fees required under 37 CFR § 1.16 and any patent application processing fees required under 37 § CFR 1.17 to Deposit Account No.50-0878.

Respectfully submitted,

STOUT, UXA, BUYAN & MULLINS, LLP

A handwritten signature in black ink, appearing to read 'R. Buyan', is written over the firm name.

Robert D. Buyan, Reg. No. 32,460

Date: April 10, 2006

4 Venture, Suite 300  
Irvine, CA 92618  
Telephone: (949) 450-1750  
Facsimile: (949) 450-1764  
email: rbuyan@patlawyers.com



## UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
 United States Patent and Trademark Office  
 Address: COMMISSIONER FOR PATENTS  
 P.O. Box 1450  
 Alexandria, Virginia 22313-1450  
 www.uspto.gov

U.S. APPLICATION NUMBER NO. 10/533,060	FIRST NAMED APPLICANT Ralf Koehler	ATTY. DOCKET NO. UCIVN-020US
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INTERNATIONAL APPLICATION NO.

PCT/US03/34837

I.A. FILING DATE

10/30/2003

PRIORITY DATE

10/30/2002

Robert D Buyan  
 Stout Uxa Buyan & Mullins  
 4 Venture Suite 300  
 Irvine, CA 92618

*Response Due 4/10/06*  
**INEXTENDIBLE**

CONFIRMATION NO. 5867

371 FORMALITIES LETTER



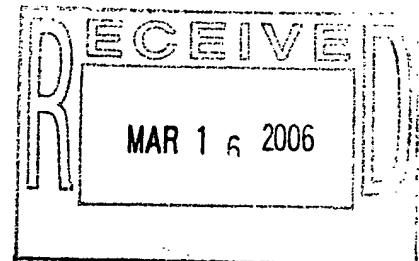
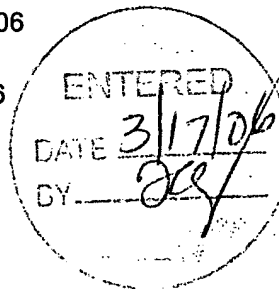
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Date Mailed: 03/10/2006

## NOTIFICATION OF DEFECTIVE RESPONSE

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495)

- Indication of Small Entity Status
- Priority Document
- Copy of the International Application filed on 04/27/2005
- Copy of the International Search Report filed on 04/27/2005
- Information Disclosure Statements filed on 01/24/2006
- Biochemical Sequence Diskette filed on 01/24/2006
- Oath or Declaration filed on 01/24/2006
- Biochemical Sequence Listing filed on 01/24/2006
- Small Entity Statement filed on 04/27/2005
- U.S. Basic National Fees filed on 04/27/2005
- Priority Documents filed on 04/27/2005
- Specification filed on 04/27/2005
- Claims filed on 04/27/2005
- Abstracts filed on 04/27/2005
- Drawings filed on 04/27/2005
- Appendices to the Specification filed on 04/27/2005



Applicant's response filed 01/24/2006 is hereby acknowledged. The following requirements set forth in the NOTIFICATION of MISSING REQUIREMENTS mailed 09/16/2005 have not been completed.

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date. The current oath or declaration does not comply with 37 CFR 1.497(a) and (b) in that it:
  - is not executed in accordance with either 37 CFR 1.66 or 37 CFR 1.68.
  - Inventor Michael D. Cahalan, listed on International Application but not on Declaration

- The computer readable form that has been filed with this application has been found to be damaged and/or unreadable as indicated on the attached CRF Diskette Problem Report. A substitute computer readable form must be submitted as required by 37 CFR 1.825(d). Applicant must provide a substitute computer readable form (CRF) copy of the "Sequence Listing" and a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). If applicant desires the sequence listing in the instant application to be identical with that of another application on file in the U.S. Patent and Trademark Office, such request in accordance with 37 CFR 1.821(e) may be submitted in lieu of a new CRF.

**Applicant is required to complete the response within a time limit of ONE MONTH from the date of this Notification or within the time remaining in the response set forth in the Notification of Missing Requirements, whichever is the longer. No extension of this time limit may be granted under 37 CFR 1.136, but the period for response set in the Notification of Missing Requirements may be extended under 37 CFR 1.136(a).**

Applicant is cautioned that correction of the above items may cause the specification and drawings page count to exceed 100 pages. If the specification and drawings exceed 100 pages, applicant will need to submit the required application size fee.

**For questions regarding compliance to 37 CFR 1.821-1.825 requirements, please contact:**

- For Rules Interpretation, call (571) 272-0951
- For Patentin Software Program Help, call Patent EBC at 1-866-217-9197 or directly at 703-305-3028 / 703-308-6845 between the hours of 6 a.m. and 12 midnight, Monday through Friday, EST.
- Send e-mail correspondence for Patentin Software Program Help @ [ebc@uspto.gov](mailto:ebc@uspto.gov)

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice **MUST** be returned with the response.*

BARBARA A CAMPBELL

Telephone: (703) 308-9140 EXT 217

**PART 1 - ATTORNEY/APPLICANT COPY**

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/533,060	PCT/US03/34837	UCIVN-020US

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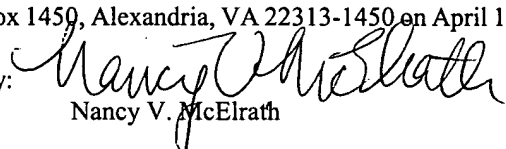
Art Unit: Unassigned

Examiner: Unassigned

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I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on April 10, 2006.

By:

  
Nancy V. McElrath

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**Request To Delete Inventor**

Dear Sir:

In the Notification of Defective Response dated March 10, 2006, it was stated that the oath or declaration previously filed in connection with this application was not in compliance with 37 CFR 1.66 or 1.68 because inventor Michael D. Cahalan was listed on the International Application but not on the previously filed oath or declaration.

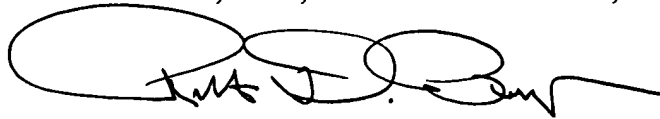
Subsequent to filing of the International Application, it was determined that Michael D. Cahalan was not an inventor of the currently claimed subject matter. Accordingly, upon entry of national stage prosecution in the United States, a Declaration of Inventorship was filed with signatures of all of the named inventors except Michael D. Cahalan.

The erroneous inclusion of Dr. Cahalan's name as an inventor on the International

Application occurred without any deceptive intent on Dr. Cahalan's part.

Since no oath or declaration had previously been filed in this application, no petition was seen to be required for deletion of Dr. Cahalan's name. However, if the Office properly deems a petition to be required to effect the deletion of Dr. Cahalan's name, then it is hereby requested that this document be considered as such petition and the Commissioner is hereby authorized to deduct the petition fee and any other fees due from Deposit Account No. 50-0878.

Respectfully submitted,  
STOUT, UXA, BUYAN & MULLINS, LLP

A handwritten signature in black ink, appearing to read 'Robert D. Buyan', is written over a large, loopy circular flourish.

Robert D. Buyan, Reg. No. 32,460

Date: April 10, 2006

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Irvine, CA 92618  
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